



## YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 130-1	Subject: <b>INTERSTATE COMPACT FOR JUVENILES (ICJ) COOPERATIVE SUPERVISION</b>
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Applicable ACA Standards: 2-7171, 2-7172	Revision Date: 09-30-05, 10-10-08, 08-17-09, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 02-10-04
Signature: /s/ Steve Gibson	

### I. BUREAU DIRECTIVE:

The Youth Community Corrections (YCC) Bureau will establish procedures to follow the Interstate Compact for Juveniles for requesting/receiving cooperative supervision of probation and parole youth. Juvenile Parole Officers and Juvenile Probation Officers will use current ICJ forms and shall be familiar with the Interstate transfer process. This procedure will be reviewed annually and updated as needed.

### II. DEFINITIONS:

**AJCA** - the Association of Juvenile Compact Administrators established as the governing body of the Interstate Compact for Juveniles (old compact) and charged with establishing operating rules and regulations that pertain to interstate compact management. *(please note the new rules took effect March 1, 2010 and AJCA will only govern non-compacting states.)*

**CSG** - Council of State Governments who, in cooperation with the Interstate Commission for Juveniles, is currently supervising the introduction of the Interstate Compact for Juveniles. At issue are the management, monitoring, supervision and return of juveniles, delinquents and status youth who are on probation or parole and who have absconded, escaped or run away from supervision and control to states other than where they were sentenced. Also at issue is the safe return of juveniles who have run away from home and in doing so have left their state of residence.

**ICJ** - Interstate Compact for Juveniles

**Interstate Commission for Juveniles** – consists of commissioners appointed by the appropriate appointing authority in each compacting state and non-voting members from national organizations. The purpose of the Commission is to establish and oversee the development and implementation of rules, financing, training, and compliance for the new compact.

**Montana ICJ Office** - consists of YSD Commissioner, Deputy Compact Administrator/designee, and ICJ Support staff.

**Receiving State** - the state receiving a youth for cooperative supervision under the provision of the Interstate Compact for Juveniles.

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**Sending State** - the state which has sent a youth for cooperative supervision under the provision of the Interstate Compact for Juveniles.

**State Council** – an advisory and advocacy body of state policymakers and experts tasked with developing policy concerning operations and procedures of the Interstate Compact for Juveniles within each state.

### III. PROCEDURES:

*All Communication regarding interstate compact youth must go through the Montana ICJ office. The Montana ICJ office shall process all requests within five working days. Juvenile Parole Officers and Juvenile Probation Officers must not contact local officers **in other states** directly without expressed permission from the Montana ICJ office or other state ICJ office.*

*For Juvenile Interstate Compact information and forms, access [www.juvenilecompact.org](http://www.juvenilecompact.org).*

#### A. SENDING A REQUEST FOR COOPERATIVE SUPERVISION **IN ANOTHER STATE**

1. Prior to requesting Interstate Compact supervision for a Montana youth in another state, the probation officer, parole officer, or youth correctional facility case manager will investigate, as much as possible, whether a proposed out of state placement with a parent(s), guardian(s), custodian(s), or their representative(s) is a feasible placement option.
2. If the proposed placement of the youth is with a licensed foster home, group home, child care facility, or other licensed program out of state; and the placement does not require probation or parole supervision in the receiving state, the officer or case manager needs to follow the procedures found in [YCC 130-2, Interstate Compact for the Placement of Children \(ICPC\)](#).
3. Regarding sexual or violent offenders, it must be clearly communicated to the youth and his/her parent(s), guardian(s), custodian(s), or their representative(s) that the receiving state's laws may be different than Montana's. The most stringent registration and reporting requirements (sending state or receiving state), will apply per ICJ rules. A Montana youth may be required to register for a longer time than would be required in Montana (even if not required to register at all in Montana).
4. When it is determined by a probation officer, parole officer, or youth correctional facility case manager that a youth should be placed with a parent(s), guardian(s), custodian(s), or their representative(s) in another state, the officer or case manager should submit an Interstate Compact application packet to the Montana ICJ office at least 45 days prior to the expected placement of the youth in that state. This time

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allows for the receiving state to conduct an investigation of the parent(s), guardian(s), custodian(s), or their representative(s), and to report back to the sending state (Montana) regarding the appropriateness of the requested placement.

5. When it is not feasible to wait 45 days for a placement investigation to occur, the officer or case manager will contact the Montana ICJ office for further directions. In these circumstances, the following guidelines will prevail:
  - a. A youth cannot be placed directly out of a youth correctional facility and into a placement in another state without prior approval of the receiving state and the Montana ICJ office.
  - b. A sexual/violent offender cannot be placed in a receiving state without the prior approval of the receiving state and the Montana ICJ office.
  - c. A sexual offender should have a tier level designation by a Montana Youth Court Judge or the Department of Justice prior to being placed in another state. Prior to placement out of state, the parole officer or case manager will notify the youth of the specific requirements involving sexual/violent offender registration. The Montana ICJ office will communicate to the receiving state the specific requirements involving sexual/violent offender registration.
  - d. In certain circumstances approved only by the Montana ICJ office, a youth may be issued an [Out of State Travel Permit \(Sample Travel Permit\)](#) for the purpose of “testing placement” during the time in which the receiving state will conduct an investigation to determine the appropriateness of the placement.
  - e. In the circumstances of “d” above, an Interstate Compact application packet shall be forwarded to the Montana ICJ office within five working days of issuing the travel permit to the youth.
  - f. Until Interstate Compact supervision is approved in writing, the probation officer or parole officer will maintain telephone contact with the youth and parent(s), guardian(s), custodian(s), or their representative(s) according to the supervision standards at the time of the placement.
6. The Montana ICJ office will notify the placing worker after approval from the receiving state. A copy of the home evaluation report and reporting instructions will be forwarded to the officer. The officer will complete and send [ICJ Form V](#) to the Montana ICJ office.
7. The Interstate Compact Application Packet must contain the following:
  - a. Cover letter summarizing current status, progress, and plans of the youth, and a request for Interstate Compact supervision and evaluation of the proposed placement.

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- b. [ICJ Form IA/VI](#) (Application for compact services and Memorandum of Understanding and Waiver). ([Sample Form IA/VI](#))
  - c. [ICJ Form IV](#) (Parole or Probation Investigation Request – no post office boxes are accepted for youth placement address). ([Sample Form IV](#))
  - d. Order of Adjudication and Disposition.
  - e. Parole/Probation Agreement.
  - f. Petition and/or Arrest reports
8. The Interstate Compact Application Packet should contain the following, whenever possible:
  - a. Social History or Probation Officer's Report to the Court.
  - b. If the youth is on parole or in a youth correctional facility, the most recent [Case Progress Review Report \[YCC 60-1 \(G\)\]](#).
  - c. The most recent YLS/CMI assessment or other assessment if the youth is on probation.
  - d. School transcripts and most recent school reports.
  - e. Immunization records and specific school-related information.
  - f. Recent case progress notes.
  - g. Psychological evaluations (must have a signed release).
  - h. Chemical dependency evaluations (must have a signed release).
  - i. Discharge summaries from treatment providers (must have a signed release).
  - j. Any other pertinent information.
9. The receiving state shall furnish quarterly progress reports and other pertinent information to the Montana ICJ office. Requests for additional information or more frequent information can be made by the placing officer and Montana ICJ office.
10. If the youth is unable to make an adequate adjustment in the out of state placement, the supervising officer in the receiving state should advise their state's ICJ office regarding their recommendation for an alternate placement or return to Montana. The receiving state should contact the Montana ICJ Office which would immediately notify the placing officer. If needed, travel arrangements can then be made by the probation or parole officer in cooperation with the Montana ICJ office for the return of the youth to Montana.
11. If the youth violates his/her parole/probation agreement or commits a new offense while residing in another state, the youth may be detained in a juvenile detention center pending disposition of charges. A decision would be made jointly between Montana and the supervising state to retain the youth in placement, place in an alternate placement, or return the youth to Montana. Any charges pending in the receiving state should be resolved by dismissal or a disposition before

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arrangements can be made to return the youth to Montana. Refer to [www.juvenilecompact.org](http://www.juvenilecompact.org)

12. Any parole violation of a Montana youth under courtesy supervision in another state is subject to the procedure regarding on-site hearings and parole revocation, regardless of whether the violation occurred in Montana or in another state (Refer to [YCC 100-4, On-site Hearing](#).) An “On-site” location in Montana shall be considered to be the closest and most immediately accessible location within Montana following the youth’s return.
13. Upon successful completion under the terms of the youth’s court order or parole conditions, the supervising officer in the receiving state may recommend a discharge from Montana’s supervision. The recommendation is sent by the receiving state’s ICJ Office to the Montana ICJ Office, with a copy also sent to the placing officer in Montana. Discharges are in accordance with Montana’s law and Youth Community Corrections policy and procedure. They are not complete until a written order of a discharge is signed by the Director of the Montana Department of Corrections or the Youth Court Judge.
14. The Youth Court will send a copy of the discharge order to the Montana ICJ office. In the case of parolees, the Montana DOC will send a copy of the discharge order to the Montana ICJ office. The Montana ICJ office will notify the receiving state of the discharge. The Montana ICJ file will then be closed.

**B. RECEIVING A REQUEST FOR COOPERATIVE SUPERVISION FROM ANOTHER STATE:**

1. The Montana ICJ office receives an Interstate Compact Application Packet from the sending state. The Montana ICJ office then has five working days to review the packet and forward it to the appropriate Montana Juvenile Probation or Parole office.
2. The receiving Juvenile Probation or Parole office will assign an officer to complete a [Home Evaluation Report](#). The officer will forward the completed [Home Evaluation Report](#) to the Montana ICJ office within 20 working days. If the officer cites evidence that the placement is not suitable, the officer should strongly advise against placement. The final decision is made by the Montana ICJ office in compliance with ICJ rules. Placement with legal parent or guardian cannot be denied; however, the Montana ICJ office can recommend against placement.
3. When a youth is placed in Montana while “testing placement”, the [Home Evaluation Report](#) will be expedited. If the placement is denied, Montana ICJ

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office will notify the sending state that placement is not appropriate and the youth needs to be returned.

4. The Montana ICJ office will review the [Home Evaluation Report](#) and approve or deny the placement. Two copies of the [Home Evaluation Report](#), with approval/denial, will be forwarded to the sending state.
5. The sending state will submit [ICJ Form V](#) including reporting instructions to the Montana ICJ office. This will be forwarded to the supervising officer.
6. If the youth is placed, the Montana officer will furnish [Quarterly Progress Reports](#) and other pertinent information to the Montana ICJ office. Requests for additional information or more frequent information may be made by the sending state's officer through his/her own state's ICJ office. Requests and information received by the Montana ICJ office will be forwarded to the appropriate parties within five working days.
7. In the event the youth is unable to make an adequate adjustment in the Montana placement, the supervising officer should advise the Montana ICJ office regarding their recommendation for an alternate placement or return to the sending state. The Montana ICJ office will maintain communication with the sending state's ICJ office and alternate placement will be investigated or travel arrangements will be made from the sending state's ICJ office to return the youth.
8. If the youth violates his/her parole/probation agreement or commits a new offense while in Montana, a decision is made jointly between Montana and the sending state either to retain the youth in placement, place in an alternate placement, or return the youth to the sending state. Any charges pending in Youth Court in Montana should be resolved by dismissal or a disposition before arrangements can be made to return the youth to the sending state.
9. The Juvenile Probation or Parole officer may recommend that the sending state discharge the youth from supervision. The recommendation is sent, via the Montana ICJ office, to the sending state. The sending state responds to the request, within 60 days, through the Montana ICJ Office. The Montana officer will continue to supervise the youth until notified of the decision. **ONLY THE SENDING STATE CAN TERMINATE SUPERVISION.**
  - a. If early release is approved, the Montana ICJ office will notify the office that the youth has been discharged and that the ICJ case has been closed.
  - b. If early release is denied, the Montana officer will continue to supervise and continue to submit quarterly progress reports to the Montana ICJ office.

#### **IV. CLOSING:**

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Questions concerning this procedure shall be directed to the Montana ICJ office or the Youth Community Corrections Bureau Chief.

## V. REFERENCES:

<a href="#"><u>41-6-101, MCA</u></a>	<a href="#"><u>Enactment- Provisions, Interstate Compact for Juveniles</u></a>
<a href="#"><u>41-6-102, MCA</u></a>	<a href="#"><u>Juvenile Compact Administrator</u></a>
<a href="#"><u>41-6-103, MCA</u></a>	<a href="#"><u>Supplementary Agreements</u></a>
<a href="#"><u>41-6-104, MCA</u></a>	<a href="#"><u>Financial Agreements</u></a>
<a href="#"><u>41-6-105, MCA</u></a>	<a href="#"><u>Responsibilities of Courts, State Departments, Agencies and Officers</u></a>
<a href="#"><u>41-6-106, MCA</u></a>	<a href="#"><u>Additional Procedures not precluded</u></a>
<a href="#"><u>46-23-504, MCA</u></a>	<a href="#"><u>Persons required to register- procedure</u></a>
<a href="#"><u>YCC 100-4</u></a>	<a href="#"><u>On-Site Hearings</u></a>

## VI. ATTACHMENTS:

[YCC 130-1\(A\) ICJ Supervision Request Flowchart](#)  
[YCC 130-1\(B\) Ages Offenders are Classified as Adults](#)  
[41-6-101, MCA Enactment- Provisions, Interstate Compact for Juveniles](#)  
[46-23-504, MCA Persons required to register- procedure](#)  
[ICJ Form IV Parole or Probation Investigation Request](#)  
[Sample ICJ Form IV Parole or Probation Investigation Request](#)  
[ICJ Form IA/VI Application for Compact Services](#)  
[Sample ICJ Form IA/VI Application for Compact Services](#)  
[Out of State Travel Permit](#)  
[Sample Out of State Travel Permit](#)  
[ICJ Form V Report of Sending State upon Parolee or Probationer being sent to the Receiving State](#)  
[ICJ Form IX Quarterly Progress Reports](#)  
[Home Evaluation Report](#)